

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

MARCUS MIAL,	:	
Plaintiff	:	
v.	:	Case No.: 1:11-cv-921
STEPHEN O. SIMPSON, et al.,	:	
Defendants.	:	

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
DEFENDANTS STEPHEN O. SIMPSON AND JENNIFER A. SHERIN'S
MOTION TO COMPEL**

1. On November 1, 2011, Defendants Jennifer A. Sherin and Stephen O. Simpson served the Plaintiff with Interrogatories and Requests for Production of Documents.

2. Answers and Responses thereto were due on December 1, 2011. See Fed Rs. Civ. P 33(b)(2), 34(b)(2)(A). The Plaintiff had not served either as of that date.

3. On December 1, 2011, the Defendants' counsel sent a letter to the Plaintiff requesting that he provide discovery responses pursuant to the Rules of this Court.

4. Defendants' counsel spoke with the Plaintiff's probable successor counsel, Steven D. Stone, Esq., via telephone on December 8, 2011 but was unable to resolve this matter.

5. As of December 9, 2011, the Defendants have not received Answers or Responses from the Plaintiff.

6. Further, the Plaintiff has objected to providing his mental-health records in discovery. These records are relevant to the Plaintiff's claims for emotional distress (Compl. ¶ 35). Fed. R. Civ. P. 26(b)(1) ("[p]arties may obtain discovery regarding any nonprivileged

matter that is relevant to any party's claim or defense"). The Defendants ask that this Court overrule the Plaintiff's objection to the Defendants' requests for his mental-health records.

WHEREFORE, the Defendants move this Court to require the Plaintiff to respond to their discovery requests within five days of the entry of this Court's order compelling discovery.

Respectfully submitted,

_____/s/_____
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have served a copy of the foregoing Memorandum in Support of Defendants' Motion to Compel via email and first-class mail this the 9th of December, 2011 on the Plaintiff addressed as follows:

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